

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

June 26, 2025

Nathan Ochsner, Clerk of Court

United States of America
v.
Otis Jose Rodriguez Garcia

Case No. **4:25-mj-390**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 02, 2025 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g) (5)(A) and 924
(a)(8) and 2

Alien in Possession of a Firearm

This criminal complaint is based on these facts:

See attached Affidavit of probable cause

☒ Continued on the attached sheet.



Complainant's signature

Nicole Miyako, Task Force Officer

Printed name and title

Sworn to before me telephonically.

Date: 06/26/2025



Judge's signature

City and state: Houston, Texas

Peter Bray, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

4:25-mj-390

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Nicole Miyako, being duly sworn, do hereby depose and state:

1. I am a Task Force Officer with the Federal Bureau of Investigation (FBI), assigned to the Houston Division, in Houston, Texas. I have been so employed since March 2025. As part of my official duties as Task Force Officer, I am assigned to the Safe Streets Task Force. This unit investigates various violations of criminal law focusing on gangs, drugs, firearms, and violent crimes. I have received training in the areas of violent crime and organized crime and have conducted various types of electronic surveillance, authorized interception of wire and electronic communications. I have participated in the execution of search warrants and the debriefing of defendants, witnesses, and informants. I have been trained to participate in federal and state investigations that could result in the arrest and conviction of individuals, who have violated federal law. As a Task Force Officer, I am authorized to investigate violations of law of the United States and execute warrants issued under the authority of the United States.

2. The facts contained in this affidavit are based on my knowledge, training, and experience and upon information provided to me by other law enforcement officers and individuals. Since this affidavit is made for the limited purpose of supporting probable cause for a Criminal Complaint, I have not set forth every fact learned during the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the crimes charged. Unless otherwise indicated, where actions, conversations, and statements of others are related herein, they are related in substance and in part only.

3. On or about July 09, 2022, Otis Jose Rodriguez Garcia (RODRIGUEZ GARCIA), date of birth (DOB) March 13, 1994, entered the United States at or near the Eagle Pass, Texas, Port of Entry without documents sufficient for lawful entry into the United States. RODRIGUEZ GARCIA was afforded the opportunity to make a consular notification but declined. RODRIGUEZ GARCIA was not admitted or paroled after inspection by an Immigration Officer. RODRIGUEZ GARCIA was released on his own recognizance and given a notice to appear date of July 28, 2022 to surrender for removal from the United States if so ordered.

4. RODRIGUEZ GARCIA is a citizen and national of Venezuela and has no legal status to be in the United States of America.

5. On June 02, 2025, Embeer Gutierrez Ternawsky (TERNAWSKY) communicated via text message with a Confidential Human Source (CHS3) and advised that his "partner" had a firearm for sell. The "partner" now known as Otis Jose Rodriguez Garcia (RODRIGUEZ GARCIA) communicated with CHS3 via text message and offered to sell CHS3 a Springfield SD firearm for \$450.00. RODRIGUEZ GARCIA provided CHS3 a picture of the firearm. CHS3 agreed to purchase the firearm for \$450.00.

6. A controlled firearm purchase was conducted at 1100 Langwick Dr, Houston, Harris County, Texas. CHS3 arrived at 1100 Langwick Dr and parked inside an apartment parking lot to wait for RODRIGUEZ GARCIA, who arrived in a 4D Hyundai, bearing paper tag #5C7240K. RODRIGUEZ GARCIA got in the front passenger seat of the CHS3's vehicle and handed CHS3 a loaded Springfield SD handgun, bearing serial number #XD128855 in exchange for \$450.00 in cash.

7. Following the firearm transaction, Department of Public Safety (DPS) officer conducted a motor vehicle stop of the vehicle RODRIGUEZ GARCIA was driving. RODRIGUEZ GARCIA provided the DPS officer with a Venezuelan passport as a form of identification.

8. On June 18, 2025, I received confirmation from Bureau of Alcohol, Tobacco, and Firearms (ATF) Senior Investigator R. Jones that RODRIGUEZ GARCIA has never been deemed a "Responsible Person" or "Owner" on any ATF license or permit. Senior Investigator R. Jones is an Industry Operations Intelligence Specialist.

9. On June 24, 2025, I received confirmation from Bureau of Alcohol, Tobacco, and Firearms Special Agent D. Lesh that the Springfield SD handgun, bearing serial number #XD128855, seized during the controlled firearm purchase, was manufactured outside of the State of Texas. Special Agent D. Lesh is a firearms interstate nexus expert.

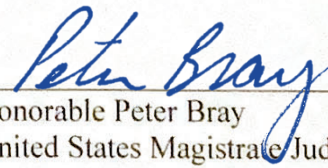
10. Based on the foregoing facts, I believe that there is probable cause to believe that on June 02, 2025, RODRIGUEZ GARCIA committed the following offense:

(1) Alien in Possession of a Firearm, in violation of 18 U.S.C. § 922(g) (5)(A) and 924(a)(8) and
2.



Task Force Officer Nicole Miyako
Federal Bureau of Investigation

Sworn to before me and subscribed telephonically on this the 26th day of June 2025 and I find probable cause.



Honorable Peter Bray
United States Magistrate Judge